

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
v.) Criminal No.: 03-CR-10362-PBS
)
FABIAN RUIZ)
_____)

**FABIAN RUIZ' EMERGENCY MOTION
FOR FURLOUGH OR, IN THE ALTERNATIVE, BAIL**

The defendant, Fabian Ruiz, hereby requests that this Court grant him a furlough for the purpose of traveling to Tucson, Arizona to wind up his business following the death of his partner, Robert Ireland ("Ireland").

1. Ireland and Ruiz were partners in a business named Link Trailer Repair located in Tucson, Arizona. The two were the only partners and officers of the business.
2. Since Ruiz' arrest in October 2003, Ireland had taken on primary responsibility for operating Link Trailer Repair. He has done so on his and Ruiz' behalf.
3. Ireland passed away several days ago leaving Link without anyone to oversee its operations and management. Link has a number of contracts with businesses, individuals and the City of Tucson to provide services. No one at Link is capable of servicing or making alternative arrangements in connection with the contracts.
4. In addition, Link owns numerous machinery and equipment which are vulnerable to theft if the business is not protected. There are also accountings that must be rendered, invoices to be paid, receivables to collect and other matters requiring immediate attention. As such, Ruiz requests that he be permitted to go to Tucson

to wind up Link Trailer and to protect his business interests. He believes that it will take approximately 60 days and requests a furlough for such time.

5. To ensure his appearance in this Court, his mother has agreed to a mortgage on her home in Tucson as collateral to this Court. Further, Ruiz can report periodically to the analog of Pre-Trial Services in federal court in Tucson. He can also provide written reports to this Court of his efforts to wind up Link's business affairs.
6. Under the circumstances, Ruiz should not be detained in Massachusetts. He should not suffer the collateral consequences which will result in a significant loss of his business interests especially when he proposes safeguards to his appearance in this Court.

WHEREFORE, Ruiz requests that he be granted a furlough of at least 60 days to attend to matters relating to Link Trailer Repair as a result of Robert Ireland's recent death.

Fabian Ruiz,
By his attorney,

 /s/ Valerie S. Carter
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DATED: October 19, 2004

CERTIFICATE OF SERVICE

On October 19, 2004 I hereby certify that a true copy of the above document was served upon Cynthia Lie, AUSA, by ecf/mailing.

/s/ Valerie S. Carter
Valerie S. Carter, Esq.